

# MORRISON TENENBAUM

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March 17, 2022

## VIA ECF

The Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

**Re: SingularDTV GmbH v. Doe; Civil Action No.: 1:21-cv-6000-VEC**  
**Proposed Discovery Schedule on Motion to Intervene**

Dear Judge Caproni,

Despite our good faith efforts to fulfill the Court's 2/25 Order to submit a joint letter setting forth a proposed discovery schedule, and the Court's 3/14 Memo Endorsement denying intervenor's request to stay discovery, the parties have been unable to agree on a discovery schedule in the above referenced matter. Below please find a schedule proposed by Morrison Tenenbaum PLLC, sent to Kobre & Kim this afternoon for their review and comment. The schedule provided below takes into consideration specific comments provided by Christopher Coburn on our call yesterday.

Kobre & Kim apparently had no intention of complying with this Court's orders, which explains why a mutually agreeable schedule has been so elusive a deliverable. Having failed to hold off discovery in oral argument and subsequent letters, Kobre & Kim is now attempting to withdraw its Motion to Intervene, ignoring that the motion has been opposed, and discovery ordered (twice) by this Court. The intervenor motion has already stalled the John Doe action for months. These shenanigans by Kobre & Kim are also costly in terms of time and financial resources.

Along with his procedurally deficient motion to withdraw the intervenor action, Mr. Sauter seized the opportunity to take a couple of passing jabs at our firm. First, he stated that Morrison Tenenbaum "intends to conduct extensive, costly discovery." Mr. Sauter has no basis whatsoever for this conclusion. In fact, it is attorneys for Kobre & Kim who have asserted repeatedly that they intend to demand production of attorney-client privileged information from my firm, which they have acknowledged will result in costly motion practice and delays. Mr. Sauter makes these assertions about my firm and my intentions nearly simultaneous with his own firm's baseless First Amended Complaint in the related case, *SingularDTV v. LeBeau et al.*, which, if not dismissed outright, has no prospect of yielding much if anything in damages – though the cost to both parties

*SingularDTV GmbH v. Doe*  
Civil Action No.: 1:21-cv-6000-VEC  
Southern District of New York  
March 17, 2022  
Page 2

is sure to be very high. Mr. Sauter's right to argue financial abuse should be tested against his own firm's invoices in this matter.

I am also compelled to address Mr. Sauter's second passing criticism: that Morrison Tenenbaum has "no concrete sense of what relief (if any) it intends to ultimately seek through the Doe Action, nor any reasonable, cost-effective plan to pursue that relief." This matter has been on ice since Kobre & Kim filed its motion to intervene late last year. Before this Court on February 25, I specifically requested authorization to pursue a motion to compel against Binance. When the court asked for Mr. Sauter's consent, he declined. If authorized by this court to prosecute the Doe matter, Morrison Tenenbaum will do so honestly, expeditiously and cost effectively. At present we owe no duty to Kobre & Kim other than to work in good faith together to comply with Court's orders. To that end, please find below a proposed discovery schedule for the Court's review.

Initial requests for document production by:

*Wednesday, March 30, 2022*

Responsive documents to be produced by:

*Friday, April 27, 2022*

Motions on Discovery by:

*Friday, May 6 (briefing schedule TBD)*

Depositions to be conducted by:

*Wednesday, June 15, 2022*

Expert Discovery (if any) by:

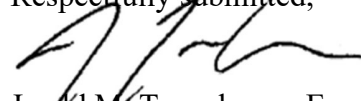
*Friday, July 8, 2022*

Hearing Dates:

If expert testimony, Hearing Date on or around July 28, 2022

If no expert testimony, Hearing date on or around July 5, 2022

Respectfully submitted,



Jerald M. Tenenbaum, Esq.

**M+T**

*SingularDTV GmbH v. Doe*  
Civil Action No.: 1:21-cv-6000-VEC  
Southern District of New York  
March 17, 2022  
Page 3

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